

**SEP 06 2007**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**AMENDMENT AND REMARKS**

**FOR**

Attorney Docket Number: FSP0152  
Client Reference Number: 260155US  
Title: NETWORK PERFORMANCE DETERMINING  
Application Number: 09/995,371  
Filing Date: Monday, November 26, 2001  
First Named Inventor: Cruickshank III, Robert F.  
Group Art Unit: 2151  
Examiner Name: Patel, Dhairya

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**Summary of Office Action**

In an office action mailed on 3/10/2006, claims 27,29-32, 34,36-38, and 40 are rejected under 35 USC 102(e) as anticipated by Grabelsky, US 6678250; claims 28,33, and 35 are rejected under 35 USC 103(a) as unpatentable over Grabelsky in view of Bearden, US 2003/0086425.

**Summary of Amendments**

Amendments have been made to the claims. The amendments to the claims are detailed under the heading "Claims". Deletions are shown in strike-through; additions are underlined.